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# Defining and Enabling ‘Justice’ for Victims/ Survivors of Domestic Violence and Abuse

*The Views of Practitioners Working within Muslim, Jewish and Catholic  
Faiths*

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## Abstract

The article is based on a qualitative field study of how justice (in its wider sense) is understood by practitioners and religious leaders from Judaism, Islam and Christianity, who work with victims of domestic violence and abuse. The article focuses on two key questions: a) how do practitioners from the three faith communities conceptualise justice in relation to domestic violence and abuse (DVA)? b) how far do these practitioners believe that victims of DVA have access to justice within their respective faith communities? The findings suggest that the concept of structural spiritual abuse should be given more attention by the DVA literature and also by those who are working with women of faith.

## Keywords

religious justice – spiritual abuse – Islam – Judaism – Catholicism

## 1 Introduction

Domestic violence and abuse (DVA) has been reported to affect one in four women in the UK (ONS 2016). It is defined by the Home Office (2013) as:

An incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those ages 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. The abuse can encompass but is not limited to psychological, physical, sexual, financial and emotional.

Following Skinner et al., (2005), we recognise that DVA may be understood differently in different contexts. Of interest here is how DVA is perceived and challenged within faith communities: specifically, we focus on the perceptions of Muslim, Jewish and Catholic practitioners who come into contact with victims of DVA, including within the administration of religious tribunals, courts and councils which preside over issues of marriage and divorce. Although men can also experience DVA (Hester et al 2017), and faith practitioners may deal with men as both perpetrators and victims, in this paper we are concerned with DVA directed by men to women.

A notable omission from the Home Office definition of DVA, and of central interest to this paper, is the concept of spiritual abuse. Spiritual abuse includes telling an intimate partner that God hates them; refusing to let them worship (e.g. not allowing partner to go to church); using faith as a weapon to control and terrorise them for the abuser's personal pleasure or gain; using religious teaching to justify abuse (e.g. submit to your husband), or to compel forgiveness (CEDAR 2016, para. 1.7). In this article, we argue that spiritual abuse is not only confined to partner abuse but can be said to characterise practices within religious settings and members of the faith communities.

The qualitative study we draw on in this paper is part of a larger project exploring how 'justice' (in its wider sense) is understood, sought, and experienced by a wide range of victims,<sup>1</sup> and other key stakeholders, of gender-based

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<sup>1</sup> We use the word 'victim' throughout this paper but recognise that individuals may identify as victims and/or survivors of DVA, and at different times.

violence. The project included interviews with victims of DVA who sought justice from various religious tribunals and with practitioners and religious leaders who work with these women. This paper focuses on these practitioners' conceptions of justice in response to DVA, and how Islamic, Jewish and Catholic religious tribunals may, or may not, offer 'justice' to victims. We place this in the context of victims seeking authority for changes in religious status—specifically the granting of a divorce, or annulment, the continued membership of the faith community and the ability to enter a further religious marriage.

## 2 Literature Review

King (1989, 32) observes that 'women have always been deeply involved in religious beliefs and practices' and all three of the monotheistic religions (Christianity, Islam and Judaism) assign a specific role to women, albeit not in positions of authority. However, in the less traditional forms of Islam, Judaism and Christianity, this is now changing (Bano, Kalmbach 2012). For these faiths, the family has sacred importance and women are seen as central in maintaining family values and the intergenerational transmission of faith (Gillum et al. 2006; Guthertz 2004; Raday 2012; Nason-Clark 2000; Macey 1999).

For deeply observant women across faiths, spirituality is part of everyday life (Gillum, Sullivan, et al. 2006; Cares, Cusick 2012; Bano 2012). Faith and spirituality have been shown to provide a source of strength and comfort to women, especially where they are subject to DVA (Gillum, Sullivan et al. 2006; Pyles 2007; Raday 2012). It can, therefore, be all the more damaging when abuse impacts on the spiritual aspects of their lives: for instance by abusers' insistence on obsessive observance or by being forced to transgress religious tenets (Starr 2017; Cares and Cusick 2012; Dehan and Levi 2009; Oakley and Kinmond 2013; Dehan and Levi 2009; Sanderson 2008).

The existing literature on the experience of DVA victims seeking support from their faith community and/or religious tribunals to divorce indicates that for Catholic, Muslim or Jewish women, the priest, imam or rabbi may be the first point of contact when they experience what they may perceive as 'personal' or 'family' issues such as DVA (Bent-Bent-Goodley, Noelle, et al. 2012; Gillum, Sullivan, et al. 2006; Nason-Clark 2004). Research by Choi (2015) suggests that Black and minority ethnic women in particular may seek support from religious leaders, evidencing an intersection of immigration status, ethnicity and religious beliefs around the sanctity of marriage and the home, which can make women reluctant to report to 'outside authorities' such as the police.

Given the potential role of religious leaders as gatekeepers to seeking support and/or justice for DVA, understanding what advice women from all backgrounds are given is important (Dyer 2010; Guthartz 2004; Cooper-White 2011). Levitt and Ware (2006) interviewed religious leaders from Jewish, Christian, and Islamic faiths about DVA and divorce, finding that while greater responsibility was attributed to the perpetrator, many considered divorce a 'last resort' and encouraged victims to consider forgiveness and reconciliation, if possible. Other studies suggest that clergy may be reluctant to refer women to secular services in case they receive advice which is inconsistent with religious teaching; promoting instead religious arbitration or interpersonal mediation by the faith leader (Nason-Clark 2010; Rotunda et al. 2004; and see Southall Black Sisters 2016). The patriarchal positioning of women as 'responsible for the collective identity and passing on the [faith community's] particular traditions and norms' (Ahmed and Norton 2010: 20) would appear to be implicated in these responses.

There is minimal UK academic research focused on religious tribunals, despite media interest in recent years. The Archbishop of Canterbury's lecture on Religious and Civil Law in 2008 led to research by Douglas and colleagues (2012) into the status of religious tribunals as 'complementary' (operating alongside) or 'supplementary' (operating in addition to) to the British court system. More broadly, and against a wider background of hostility and suspicious towards Islam, there has been public disquiet about the role of Sharia councils, including an abortive attempt to curb religious quasi-jurisdiction within the Arbitration and Mediation Services (Equality) Bill 2014–2015.

However, this emerging literature on religious and state law and practice has little to say on the response of tribunals to DVA. In this paper we add to the literature by exploring how religious practitioners conceive of 'justice' in response to DVA and to what extent Islamic, Jewish and Catholic religious tribunals may offer 'justice' to victims of domestic abuse within marriage.

## 2.1 *Sharia Councils and DVA*

The understanding of Sharia ideology is not uniform across Muslim communities and has been interpreted differently by scholars. There is ample literature that suggests DVA is not tolerated within Islam (Rashid 2016, Mir-hosseini 2013; Anvar 2013; Mernissi 1991) and that Islamic teachings which discriminate against women might be reinterpreted in the light of modern understandings and culture (Bowen 2010; Mashhour 2005; Anwar 2013). For example, Muslim feminists such as Mir-Hosseini (2010) insists the notion of justice to argue against polygamy and men's right to *talaq* (divorce). She insists that '... they are juristic constructions that no longer reflect contemporary notions of

justice'.<sup>2</sup> Shukri and Labriz (1992) also challenge the practice of polygamy and believe no man apart from the Prophet is capable of being just towards many wives. Fazaeli (2007: 6) recommends using 'dynamic [*ijtihad*]' as means of interpreting Islamic texts to satisfy the needs of our time'. However, Mojab (2001) believes that arguments put forward by various Islamic feminists and by moderate clerics, utilising the notion of *ijtihad* (Arabic, translated to English: independent reasoning) to unmask the discriminatory laws in a somewhat vigilante manner, do not challenge the religious roots of these laws. She stresses that, while patriarchy is more than religion, it would not be possible to 'degenderize' Islam without shaking its foundations.

Many Muslim couples in the UK have *nikah*-only (Islamic marriage) marriages (Bano 2004, 2012; Sadar 2013). This means that in the event of a relationship breakdown the British Courts cannot issue a divorce, and even if a woman has obtained a civil divorce, she may consider herself still married (or be considered so by family/community) until a religious divorce has been obtained (Bano 2012). Under Sharia law, divorce can be actualised for a number of reasons, though it is generally agreed it is a much easier process for a male to undergo—using the proclamation of *talaq* over a three-month period (this may vary according to custom) (Carroll 1997). If a man refuses to grant his wife *talaq*, a woman may be granted a *khula* divorce in which she gives something for her freedom, usually the return of a *mahr* (dowry) (Bowen 2010) or through the process of judicial intervention, such as requesting divorce from a Sharia council. It is generally agreed that grounds for this type of divorce could include DVA (Reiss 2009).

Within the UK context, Sharia councils position themselves as advisory bodies concerning matrimonial issues, such as divorce. There is no one type of Sharia law employed by Sharia councils and arbitration courts and Sharia councils could be heavily influenced by the geographical origins of their members (Sadar 2013; Mashhour 2005; Johnson and Aly Sergie 2014). This can be a cause for concern where cultural differences are being presented as Islamic and influencing procedure/rulings. A number of studies have indicated that imams have been known to advise victims of DVA to stay with or to reconcile with the perpetrators (Bano 2004; Bano 2008; Griffiths 2014). Some testimonials (see Southall Black Sisters, 2016; Cox 2015) have revealed that a number of women have been asked to have a joint meeting with their perpetrators; several indicated that

2 This is an extract from an interview conducted with Ziba Mir-Hosseini by Yoginder Sikand on 7th February 2010. For the full script refer to: <http://mrzine.monthlyreview.org/2010/sikand090210.html>.

their experiences of abuse had not been taken seriously by the imams and that their cases had been unnecessarily prolonged. Lepore (2012) indicates the importance of a religious ruling for Muslim women, but argues that in unregulated Sharia councils, rulings are often discriminatory against women. Bano (2008) notes that while some women found reconciliation space useful, there were examples in which some councils were giving more credence to a man's testimony and were 'women blaming'.

## 2.2 Jewish Religious Courts and DVA

Many Jewish community leaders and scholars have condemned DVA over the years (Mirvis 2017; Twerski 2015<sup>3</sup>). Yet women and practitioners reported that, although some rabbis were seen as being proactive and helpful, others preferred to totally ignore what was happening. Indeed, a survey carried out for Jewish Women's Aid (Abramson & Peterson 2011) found 62% of respondents did not recall hearing a rabbi publicly condemning DVA. However, in a major new initiative, marking the 2017 International Day to Eliminate Violence against Women, the Board of Deputies (the elected representatives of the Jewish Community in Britain) joined forces with Jewish Women's Aid to mount a campaign to condemn domestic violence including a request to all rabbis to preach against abuse on the 25th November 2017.

As Levitt & Ware (2016:1187) point out, 'by structuring differences in power as a religious duty, women may be left vulnerable to abuse as they believe they are unable to end their marriages if they wished to maintain their faith'. For some Jewish women, therefore, their spiritual and cultural traditions can exert intense pressure on them not to disclose abuse even within the family, or to end their marriages.

For those who do choose to leave a relationship, a religious divorce (a *get*, plural *gittim*) is crucially important in enabling them to move on with their lives, remarry within their faith, if they wish to do so, and retain their links with their religious community. Similar findings come from Rush (2010) Starr (2017) and Horsburgh (1995). *Gittim* are sanctified by a religious court, or Beth Din, with each of the main branches of Judaism having its own Beth Din and a plurality of interpretation of Jewish religious law or *halaka*.<sup>4</sup> A divorce is by mutual con-

3 It is significant that when Rabbi Twerski's book was first published in 1996, the overwhelmingly negative reaction was such that he was forced to ask for police protection for his public appearances. No such furore occurred after the second edition appeared 19 years later.

4 Battei Din deal with all aspects of Jewish law, including ritual and practice, mediation and arbitration.

sent and both parties must agree to the marriage ending. If the man does not agree, the woman is not free to remarry and becomes an *agunah* or chained wife. This ruling is strictly adhered to in Orthodox practice, although various types of pressure can be brought to bear on the man to agree (Greenaway 2017) including use of The Divorce (Religious Marriages Act) 2002 which provides that a civil court can defer the issue of the Decree Absolute until a *get* has been consented to. However, if the husband has no particular need for the Decree Absolute, this is of no effect, although it is not known how often this provision has been used. According to the Reform Beth Din in the UK, if a woman has obtained a civil divorce, then she is entitled to a *get* and will point out to the husband that it is his religious duty to agree to one. If he does not present his case, after being formally contacted, the Reform Beth Din will issue a *get* on his behalf. However, divorces granted under this process are not acceptable to an Orthodox Beth Din and this dichotomy of approach would be a barrier to remarriage in an Orthodox synagogue in the UK or elsewhere.

The Board of Deputies' statistics for 2010 (Vulkan 2012) gives the overall number of religious divorces as 221. They comment that this represents a continuing downward trend and this may represent an increasing number of couples opting for a civil divorce only.

### 2.3 *Catholic Matrimonial Tribunals and DVA*

In the Catholic Church, marriage is considered an indissoluble sacramental bond: 'What God has joined together, let no one put apart' (Matthew 19:6). A religious divorce is therefore not conceivable. Catholics may obtain a civil divorce and may continue to participate in Holy Communion;<sup>5</sup> however, if they enter a new sexual relationship, this is considered to be in violation of the marriage bond and would preclude individuals from receiving Communion.

Matrimonial tribunals are presided over by priests and canon lawyers<sup>6</sup> and operate in each diocese<sup>7</sup> in England and Wales (and indeed around the world). The tribunal is not a divorce court or a marriage counselling service: rather, it exists to consider the 'facts' of a marriage and assess whether or not the bond of marriage was established. Where there are grounds for asserting that the bond

5 The Sacrament of the Eucharist or 'Holy Communion' as a rite is of central importance to Catholic faith practice.

6 Canon law is the system of laws and legal principles made and enforced by the universal Catholic Church and interpreted by 'canonists' or 'canon lawyers'. It is not civilly binding in England and Wales.

7 The Catholic Church is administrated through 'dioceses' which are defined territorial areas presided over by a Bishop.



was not validly formed, the marriage can be annulled. This allows both individuals to re-marry within the Catholic faith. In other words, an 'annulment' is not breaking the bond of marriage, rather it recognises the bond was not formed at the start. Grounds for consideration include capacity, consent and a sincerity of purpose (see Canon 1095). For example, there may be grounds for annulment where there is evidence that the person suffers 'from a grave lack of discretionary judgement concerning the essential matrimonial rights and obligations to be mutually given and accepted' (Canon 1095.1.2). In the 2015 Apostolic Letter *Mitis Iudex Dominus Iesus* ('The Lord Jesus, Clement Judge'), Pope Francis simplified the process for applying for a declaration of nullity: the grounds however remain the same.

The universal Catholic Church condemns DVA (see United States Conference of Catholic Bishops 2002; CEDAR undated). In his 2016 Apostolic Exhortation, *The Joy of Love* (*Amoris Laetitia*), Pope Francis identifies violence against women as 'craven acts of cowardice [...] rather than a show of masculine power' (Holy See, 2016, para 54). Francis recalls Church Canon Law 1153, saying that in cases where a spouse and children are experiencing DVA, 'separation becomes inevitable' and even 'morally necessary' for their safety. He expresses empathy for individuals 'who have been forced by maltreatment from a husband or wife to interrupt their live together.'

Yet while Canon Law 1153 clarifies that the domestic abuse victim is not at fault in leaving the marriage, it goes on: 'In all cases, when the cause for the separation ceases, conjugal living must be restored unless ecclesiastical authority has established otherwise'.<sup>8</sup> This single piece of Canon Law captures well the tension within Catholic teaching: it condemns abuse and recognises that the perpetrator and not the victim has violated the sacramentality of the marriage. Yet it does not provide victims with the means of re-marrying within the Church on the grounds of abuse alone: indeed, it asks victims to hold the door open, potentially indefinitely, to the perpetrator changing their behaviour.

As the discussion below will demonstrate, the need to find grounds for nullity at the inception of the marriage, has profound implications for women who begin to experience DVA *after* marriage.

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8 Code of Canon Law (LibreriaEditriceVaticana). Available at: [http://www.vatican.va/archive/ENG1104/\\_P45.HTM](http://www.vatican.va/archive/ENG1104/_P45.HTM).

### 3 Methods

This paper draws on data from a wider study on Justice, Inequality and GBV funded by the Economic and Social Research Council (2015–2018), which included analysis of police and women's support service data, and interviews with 251 victims of GBV and 40 practitioners. The wider study looked at how inequalities and social identities intersect with the experience of 'justice'. This paper uses data from 15 of the 40 practitioner interviews, where it was possible to explore DVA in the context of three faith identities: Muslim, Jewish and Roman Catholic. As outlined above, these three faith communities are notable in their provision of formalised mechanisms for arbitrating issues around marriage, separation and—explicitly or implicitly—DVA.

All interviewees were accessed through purposive sampling. The authors made direct contact with the interviewees by email, enclosing information about the project and requesting their participation. Interviewees signed a consent form which included indicating their agreement to recording the interviews (apart from one), which were subsequently transcribed and anonymised. Interviews were semi-structured, conducted either face-to-face or by phone, and lasted one hour on average. Some of the principle topics that were included in the interview schedule were: the participants' understandings of DVA (they were not provided with a definition); justice within the context of DVA; why women choose to use unofficial community mechanisms (Sharia councils, Beth Din, local church) to seek justice; the advantages and disadvantages of using these mechanisms and how they deal with DVA cases. The anonymised transcripts were coded thematically by the authors using the header codes 'definitions of justice' and 'access to justice' and tested through peer debriefing (Lincoln and Guba 1985). Ethical approval was granted by a University of Bristol Research Ethics Committee. One of the limitations of the study is the small number of participants in the Jewish and Catholic groups. This is partly because the original funded proposal only included a nested study on Islam and Sharia. However, as the research developed, we believed it was important to widen the scope of the project and include people with experience of Beth Din and the Catholic church. This decision was taken in the last stages before the end of the project and hence emerging late in the overall project, we faced the difficulties in gaining access. However, the stark similarities across the faiths, we believe justifies the inclusion of this smaller set of data to illustrate wider points about justice and 'faith' responses.

TABLE 1 Interviewees by faith and role (n= 15)

Practitioners working with Muslim faith community (n = 8)	
Interviewee 1 (female)	Religious Scholar in Sharia Council
Interviewee 2 (male)	Panellist in Sharia Council
Interviewee 3 (female)	Panellist in Sharia Council
Interviewee 4 (female)	Panellist in Sharia Council
Interviewee 5 (male)	Marriage Counsellor in Sharia Council
Interviewee 7 (female)	Working for a women's organisation
Interviewee 8 (female)	Working for a woman's organisation
Practitioners working with Jewish faith community (n = 2)	
Interviewee 9 (female)	Jewish Women's Aid support worker
Interviewee 10 (female)	Jewish Women's Aid support worker
Practitioners working with Roman Catholic faith community (n = 5)	
Interviewee 11 (male)	A Roman Catholic priest and canon lawyer who presides over a Catholic Matrimonial Tribunal
Interviewee 12 (female)	A facilitator of an NGO-hosted online forum for Christian women (mainly US/UK, all Christian denominations) who are experiencing (or have experienced) domestic abuse
Interviewee 13 (male)	A safeguarding co-ordinator for a Catholic diocese
Interviewee 14 (female)	A safeguarding officer for a Catholic diocese
Interviewee 15 (male)	The chair of a safeguarding commission for a Catholic diocese

## 4 Findings

### 4.1 *How Do Practitioners within Faith Communities Conceptualise Justice in relation to DVA?*

In this first section, we consider how practitioners working with Muslim, Jewish and Catholic communities conceptualise 'justice' in relation to domestic violence and abuse.

#### 4.1.1 Muslim

Conceptualisation of justice regarding DVA by participants was varied and complex. Two of the participants (Interviewee 7 & 8) who worked in women's organisations and believed in the abolition of the Sharia councils, stressed that justice means adhering to the principles of universal human rights. Although, Interviewee 7 stated that she understands that for some women of faith, the existence of Sharia councils could be important. For the rest of the participants who worked in various capacities in the Sharia councils, their sources of inspiration were *Koran* and *Sunnah*, and they directly referred to religious texts:

We go to the *Koran* and the authentic *Sunnah*, and that tells you what justice is ....

Interviewee 5

Two interviewees referred to the concept of 'day of judgment' for those who have not been granted justice in this world. One interviewee associated justice with secular legal protection; for others, it was a combination of both, but all agreed that women should be able to live their lives free from abuse. The concepts of fairness, acknowledgement of abuse, not being blamed for it and being able to live in peace were repeatedly used by the participants.

Interviewees 7 and 8 who worked in women's organisations believed that injustice is a violation of women's autonomy and being forced, implicitly or explicitly, to obtain an Islamic divorce is a gross injustice. Interviewee 8 stressed:

... It must be the same for rich and poor and for both the sexes and different races, different religions. So, there is an equality before the law ... I do associate justice with the legal concept.

Interviewee 8

However, others believed that justice is not granted to women of faith if they are not given access to a religious-based organisation to obtain their divorce.

For seven of the eight interviewees, justice was perceived as central to the Islamic way of life. In other words, for them, God's law was viewed as inseparable from justice. The majority believed that sometimes the religious scholars' understanding of the sacred text is tainted by culture and hence called for an 'authentic' interpretation of the religious text. For example, one interviewee stressed that the word 'beating' in Verse 4 in Al Nesa<sup>9</sup> is symbolic and should not be taken out of context.

One interviewee emphasised that within the Islamic jurisprudence women are not inferior to men and inflicting any form of violence is injustice and subject to punishment. Another commented on the role of the organisations in focusing on men and stated: 'We are letting men down, we are not educating them' (Interviewee 7).

Although all eight participants claimed that justice should not be gendered and that it is about putting both parties, especially the victims, on an equal footing, those who worked in some capacity in Sharia councils did not see the right of men to polygamous marriages as a form of emotional violence and hence injustice. Some stressed that polygamy is a divinely sanctioned practice with the condition that the husband maintains justice among all his wives and treats them with equality. They expressed the view that the first wife does not have to stay in the marriage if she does not wish to do so and can petition for a divorce. One interviewee called polygamy a 'lifestyle choice'. In contrast, Interviewees 7 & 8 perceived polygamy as a form emotional violence and injustice.

Hence, it seems when one's understanding of the sacred text does not translate into a unified definition of justice, then it is likely that DVA can be justified as a divine right which could result in spiritual abuse. The impact of such abuse can be elevated when those in power misuse their religious authority.

#### 4.1.2 Jewish

The practitioners we interviewed were working with women from all the major branches of Judaism. They felt that justice, for Jewish women of faith, was a multi-layered and complex concept, moving from aspects of everyday life within the family and the faith community, to the deepest needs of faith and

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9 *Men are the protectors and maintainers of women, because Allah has made one of them to excel the other, and because they spend (to support them) from their means. Therefore, the righteous women are devoutly obedient (to Allah and to their husbands), and guard in the husband's absence what Allah orders them to guard (e.g. their chastity, their husband's property, etc.). As to those women on whose part you see ill-conduct, admonish them (first), (next), refuse to share their beds, (and last) beat them (lightly, if it is useful), but if they return to obedience, seek not against them means (of annoyance). Surely, Allah is Ever Most High, Most Great (Quran, 4: 34).*

spirituality. As a basic requirement, practitioners felt that women who had experienced DVA would see justice as being treated with fairness and respect, as being able to live in peace in their community, free from fear and harassment, rather than living in a destructive relationship. They would look to achieve justice from the secular society in terms of a civil divorce, a fair financial settlement and equitable arrangements for the children of the marriage. At a deeper level, justice would be the ability to be accepted by and play a full part in the faith community; being able to live in accordance with the culture and traditions of Judaism and practice their faith in association with others. A further and crucial element of justice at this level would be the granting of a religious divorce, marking the end of their previous relationship and freeing them to move on with their lives with the blessing of their religion.

However, for women living within the Strictly Orthodox community, justice might be considered in a very different way, as a totally spiritual concept. In this interpretation, according to the practitioners, justice comes only from G-d<sup>10</sup> and is based on a life of faith and spirituality which permeates every aspect of their existence. For them, justice would not be seen as political and achievable under mortal jurisdiction. Rather, justice would be seen as spiritually based and coming from a divine source.

Asked what, in their view, justice might look like, practitioners spoke of the need for changes in the civil justice system and for a proactive approach to the granting of a *get*. And for women, 'to be able to feel that, as a human being, they have every right to live in a way that feels good and feels right for them, free of pain and everything that goes with domestic violence and free of suffering in that way' (Interviewee 9). It was considered, however, that a lot needed to change before that could take place.

#### 4.1.3 Catholic

Three of the five interviewees spoke directly to defining 'justice' in relation to domestic violence. First, practitioners articulated 'justice' in relation to the teachings of the Catholic Church. Second, practitioners talked of how the Church community and parish priest can hold the perpetrator to account as well as support the victim to continue to practice their faith in good conscience.

Turning first to Church teaching, three themes were identified. First, two interviewees talked of challenging the view that the Bible supports 'wife abuse' or staying in an abusive marriage. One interviewee claimed that such statements were:

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<sup>10</sup> In Jewish tradition, the name of the Supreme Being is never written in full.

... borne out of ignorance, because scripture was written in a time and place. Okay, it's inspired by God, but the people were still subject to the culture of their day and the standards of their day. We've moved on.

Interviewee 11

In a similar vein, another interviewee described reassuring women that leaving an abusive relationship is supported by scripture:

... there are lots and lots of passages in the Bible that show that God requires justice first, before mercy.

Interviewee 12

Second, Interviewee 11 talked of domestic abuse as a violation of trust, undermining the "connectedness" of all life on earth that Pope Francis refers to in *Laudato Si'* (2015) as well as a personal "injustice against their human dignity". Interviewee 12 recounted the sense of spiritual bewilderment felt by victims when their husbands and perpetrators were also Christians. In this understanding, justice requires the Church to:

... bring the injustice to light, and validate their [the victim's] experience, but also restore their dignity under God.

Interviewee 12

Third, it was notable that all five practitioners raised the issue of forgiveness; three in relation to domestic abuse. All argued that forgiveness was a 'separate discussion' in the sense that it should not detract from seeking justice for the victim. Additionally, forgiveness was conceived as possible only if led by the victim, and once their wellbeing was secured. Interviewee 13 for example spoke of a situation where clergy might seek to talk about "redemption":

I will try and say, 'Absolutely, if someone wants to do X, Y or Z [i.e. if a priest wants to pray with the victim or intervene personally on their behalf], however, it's got to be safe to do that'.

Interviewee 13

I don't think forgiveness is part of safeguarding.

Interviewee 14

As well as formal recognition by the Church and Church teaching of their experience as victims of abuse, practitioners also talked about the importance of

affirmation from their parish priest and Church community. First, practitioners felt that victims wanted to be believed by their Church community and for the community to locate fault squarely with the perpetrator.

Sometimes, they want to feel that they've been exonerated, that, 'I have been abused', and the marriage has gone downhill and broken up ... [they] want to feel that, 'this person [who] has put me through so much, that it wasn't my fault'.

Interviewee 12

Interviewee 12 felt there could sometimes be a reluctance within Christian communities to acknowledge the 'wolf in sheep's clothing', particularly if that individual had an active role in the Church or was held in esteem. Justice therefore required belief by the community, even when belief was difficult.

Second, two interviewees identified the critical role of the parish priest in responding to domestic violence. Both talked of ignorance of domestic abuse as tantamount to complicity—a form of structural violence:

So when a priest is confronted with a situation like that, he's obliged—If he doesn't engage with the person who is coming to him and seeking help, then he is actually part of the injustice. He's perpetuating that injustice by allowing it to happen.

Interviewee 11

This risk was attributed to some clergy having "black and white" thinking: a phrase repeated by different interviewees and attributed by one participant to the training to the priesthood, at least historically. Two interviewees conjured images of the stern priest turning away the victim of abuse at the church door:

'I've told you what's what. Done and dusted. Don't darken my doorstep again.' There are, sadly, some priests who behave in that sort of heavy-handed way, and they don't have the blessing of the church when they treat people like that.

Interviewee 11

Justice is not even on the mindset of [such] vicars and ministers. They can't even provide charity to these women.

Interviewee 12



#### 4.2 *How Far Do Practitioners Believe That Victims of DVA Have Access to Justice within Their Respective Faith Communities?*

For women who experience DVA, faith and the faith community have been variously described as either a road block or a resource (Greater London Domestic Violence Project 2008), support or a barrier (Pyles 2007). As Gillum et al (2006) have pointed out, a supportive community and proactive faith leaders can enable a woman to rebuild her life and gain strength and comfort from her faith. Alternatively, silence, or a negative response, can block her attempts to obtain justice. We asked practitioners if they felt that victims of DVA had access to justice within their faith communities.

##### 4.2.1 Muslim

All but one of the interviewees believed that for some Muslim women, a way of life, family and religion are very closely intertwined, so it is a necessity for those experiencing DVA to have access to some form of religious mechanism to seek mediation or obtain a divorce. They stressed that mainstream services are not an appropriate route for these women for a variety of reasons; they are not culturally sensitive and do not have a comprehensive understanding of the family dynamic within the faith communities, such as the impact of a partner's lack of adherence to religious mandates. In addition, Sharia councils' services are cheap. Most importantly, it was argued by all those working in the Sharia councils that the councils provide the necessary service for women to leave abusive relationships:

... the women would often say that for people of my community isn't accepting [sic], my husband doesn't accept it ... I would like an Islamic divorce, I need to have a certificate that piece of paper so there is that closure.

Interviewee 2

However, the above view was disputed by another interviewee, who stated that Sharia councils and fundamentalist groups have created a coercive atmosphere in which women feel that they cannot leave abusive relationships and move on without being given an Islamic divorce.

The religious scholar held the view that religious mechanisms are of vital importance for the 'spiritual health' of the Muslim community and, most importantly, allow women to free themselves from abuse by granting women religious divorces or providing a culturally sensitive mediation if the couple wishes to stay together.

Six of the interviewees stressed that they do not coerce women to stay in an abusive relationship for the sake of children, family or community and they

would encourage women to call the police if there is concern about their safety. They also pointed out that if there is a court order, they never recommend reconciliation. However, the majority acknowledged that there is lack of consistency among the Sharia councils across the UK and some are dominated by religious scholars who adhere to a 'traditional' interpretation of Islam, so that they may not grant a divorce to women on the basis of emotional abuse and being in an unhappy marriage. Male guardianship was given importance if the husband was a true believer:

If the husband obeys Allah, then if the wife obeys the husband, it means she is obeying God.

Interviewee 5

Interviewees 7 and 8 who worked in women's organisations positioned the councils as inherently patriarchal, where men are deemed the point of authority because of women's alleged innate emotionality and deficiency of rational judgment. One of them echoed the view that:

There is a distinction between the idea of faith and wanting to live by religious laws ... women of faith are telling us that they would like to be judged by God and not by the Mullahs.

Interviewee 8

She stressed the Sharia councils' practice is contrary to the law of the land. The common examples were the acceptance of polygamous and underage marriages. It was emphasised that allowing them to operate undermines the government's policy on acknowledging the concept of coercive control as a form of DVA. This is because it was claimed that councils pressure women to stay in unhappy and abusive marriages by using religion as a tool:

Creating this impression that civil divorce is not valid ... it's individual coercion in some cases, and absolutely structural coercion, to the extent that they feel that they're not divorced.

Interviewee 8

#### 4.2.2 Jewish

Within the Jewish community, practitioners felt that women who were experiencing DVA, had to consider carefully their options and what this could mean in terms of justice for themselves and for their children. In a close-knit community, revealing abuse could be seen as bringing shame on the commu-

nity and stigmatising the family. This might lead to their being discriminated against within the community, with negative and disparaging comments being made about them by ex-partners and others, or to feelings of isolation and loss of identity. A major concern would also be the needs of their children within the religious community, with possible damage to their future marriage prospects, since prospective partners and their families might not wish to be associated with a family where there had been domestic violence. All of these concerns were also voiced by the women we interviewed and have also been noted by researchers in this field (Ringel & Bina 2007; Guthartz 2004; Rush 2010; Horsburgh 1995). As a result, women could feel held in a web of constraints and feel that they had no choice but to stay in the relationships (Starr 2017).

Seeking support for themselves and their families could present further dilemmas for these women. Practitioners pointed out that there was often an extreme reluctance to involve outside and secular agencies that would be unlikely to understand their culture and background or to respect their religious beliefs. Informal and community mechanisms varied in their degree of helpfulness, with some being very helpful, proactive and, as Cares and Cusick (2006) suggest, providing a source of strength and confidence, with others ignoring the problem. The women we interviewed who had suffered DVA felt that turning to a faith based organisation was the best option for them and that Jewish Women's Aid was seen as a trusted source of support and advice and practitioners believed for those women who felt that their spiritual beliefs were incompatible with ending the marriage, they provided a safe space for them to understand what was happening and make informed choices.

As discussed earlier, practitioners stressed that, for women of faith, their spiritual values meant that the obtaining a religious divorce or *get* was of paramount importance. It was described as giving them a sense of religious justice, respect and status within the community, enabling them to move on with their lives and remarry within their faith if they wished to do so. To refuse a *get* or to seek to manipulate the situation by offering a Reform *get* (not acceptable to Orthodox Judaism) or demanding extortionate financial settlements have been reported by Rush (2010) and Starr (2017) and were mentioned by women who were interviewed. These actions can be seen as further evidence of continuing emotional abuse, as Cobin (1986) suggests, as well as a denial of justice. Indeed, Oakley and Kinmond (2013), Starr (2017) and Cares and Cusick (2012) have gone further and argued that this denial strikes at the very roots of belief and can be seen as spiritual abuse. From a secular point of view, Raday (2012) has pointed out that this lack of justice is also a denial of human rights.

#### 4.2.3 Catholic

Proving nullity of marriage for factors present at the time, such as 'deliberate deceit' (Canon 1098) immediately raises the question in the context of DVA what if the abuse only surfaced *later* in the marriage?

Just as parish priests may interpret Church doctrine and scripture differently, it is likely that Canon lawyers (who are also priests) will interpret Canon law in the light of their own principles albeit delimited by the requirements of their office. The Canon lawyer interviewed here was clear that he would "do whatever I can" to resolve the situation of individual petitioners "so long as whatever I do is just and honest, and with integrity". He felt the tribunal needed to:

... exhaust all avenues of proof and questioning on the nature of what it is that's happened. And can we be totally sure that what has happened is a blip in the relationship years down the line, or is it something that was present at the beginning?

Interviewee 11

This might involve calling family, friends and experts to give their evidence on the relationship. Yet, such grounds could not always be found, which the interviewee acknowledged was a situation he struggled with. He also reflected that "canon law can't answer every question".

Individuals who have gone through a civil divorce but have not had their marriage annulled can continue to receive Holy Communion. However, if they enter into a new relationship, this is considered by the Church as adultery as the marriage bond still stands. It is this specific issue that has historically precluded many divorced Catholics, including those who were victims of DVA, from accessing the sacraments. Pope Francis, in the 2016 document *Amoris Laetitia* (The Joy of Love), suggest the situations of the divorced and the remarried should be carefully discerned by priests on case-by-case basis. Interviewer 11 reflected that sentiment:

Pope Francis is very much of that mind, that not every problem can be solved in a canon law way, and that the church has to be more dynamic than limiting itself to those very narrow confines. Because God is dynamic, and therefore, we have to be more dynamic.

Interviewer 11

For the safeguarding practitioners (Interviewees, 13, 14 and 15), access to justice was first and foremost about safety and an assessment of the need for statutory reporting. These interviewees acknowledged that they worked in a faith

environment, but their approach was to gather intelligence and follow clear referral protocols, particularly around child protection. Interestingly, this did mean that where cases of DVA did not include a child or a vulnerable adult, the Catholic safeguarding team had an advice and training role for priests, but their influence was more discretionary. Formal safeguarding mechanisms such as 'Covenants of Care',<sup>11</sup> where a domestic violence perpetrator for example could be asked to attend a different mass time from the victim, were also mentioned as examples of practical and discreet justice offered by the Church.

Finally, Interviewee 12 talked about the potential for the Church to provide social justice to victims where the criminal justice system and family courts may have let them down. This of course relies on the Church continuing to challenge 'black-and-white' thinking at the pastoral level and requires continued Vatican leadership on issues of DVA. Asked whether DVA may become grounds for annulment in the future, Interviewer 11 was cautious but noted the reforming instincts of the current Pope:

Pope Francis is challenging us to look at new ways of seeing this. I think that, possibly, in time, that could change.

Interviewee 11

In summary, it is suggested that there may be incremental changes to the pastoral, if not the doctrinal, Catholic response to the issue of domestic abuse within marriage.

## 5 Discussion and Conclusion

There were some key similarities between the narratives of the three faith groups but also a few differences. What needs to be noted is that the participants in the Muslim faith groups had particularly contested views concerning the concept of justice and access to justice in comparison to the other groups. This could be partly due to the fact that the Muslim sample was larger than the other two groups and it included people who are working in the Sharia councils as well as those who work in women's organisations and one that strongly favoured the abolishment of Sharia councils in the UK. Additionally, it is important to bear in mind that the samples in all three groups are not representative.

<sup>11</sup> These are agreements drawn up between the Church and an individual who is considered to represent a possible risk. Covenants concerning known offenders will often be co-drafted with Police and Probation.

For most of the participants in all the three groups, sources of inspiration for Justice were God, and the sacred texts and their understanding of justice was influenced by their faith. They believed that, for women of faith, religion is a way of life and hence the mainstream services are not equipped to address their needs. Some referred to divine sources to substantiate the view that their respective faith does not condone DVA and that justice is about being able to live free from abuse. However, the understanding of what constitutes an abusive behaviour was contested among the practitioners from the Muslim faith group. For example, not everyone accepted polygamy as a divine right and one perceived it as a form of emotional abuse.

Apart from interviewee 8, who was in favour of the abolishment of Sharia councils and believed Islamic fundamentalists are the main orchestrators of these faith organisations, it was commonly agreed among the rest of the participants from the three faith groups that access to religious justice was of paramount importance. As one of the Muslim scholars put it, their existence is of vital importance for the 'spiritual health' of the community. They believed that access to religious justice is possible, if the divine sources are interpreted in the light of the modern era and not be tainted by one's personal view or the cultural and political contexts. Bearing in mind that using religion to justify abuse is a form of spiritual abuse (Dehan and Levi 2009), we can conceptualise the narratives of the participants in regards to the process of access to justice under the umbrella of what we call 'structural spiritual abuse'. This is when there is a gap between rhetoric and reality of access to religious justice due to adherence to conservative interpretation of the sacred text by the faith organisations and/or communities.

According to all participants except Interviewees 7 & 8, religious justice was closely linked to being able to obtain a religious divorce or annulment of the marriage within the context of DVA. Considering that all three faith groups believed that DVA is not condoned by their respective faiths, misusing religious texts by *some* of the faith organisations, as well as the communities, to coerce women to stay within abusive relationships can be perceived as a form of structural spiritual abuse. We believe that the power dimension of structural spiritual abuse perpetuated by some of the faith organisations and communities can be as great, if not greater, than spiritual abuse perpetuated by individuals. This is because they are representative of a religious entity, and carry the weight of learned religious teachers, meaning their advice/rulings on right conduct may be perceived by some as holy and sacred. Structural spiritual abuse is not always easy to identify due to its invisible coercive nature. The intersection of individual and family honour and the fear of being ostracised, makes speaking up particularly difficult. Hence, in relation

to DVA, structural spiritual abuse could be enforced from four directions: religious institutions, community, family and the individual perpetrator. Where all four employ interpretations of sacred texts which enable DVA—or at least, fail to challenge DVA and its consequences for the victim and for faith practice—the effect is cumulative, and the end result is that justice for the victim can be denied.

Another similarity between the three groups was the notion of afterlife justice. All three monotheistic religions believe that human life continues after death and the true justice would be fully granted in the life to come. Although this gives hope and reassurance to victims of DVA, the concept could be misused by the religious leaders in order to pressure women to stay in abusive marriages which is again a form of structural spiritual abuse.

It must be recognised that all three monotheistic faiths are based on male headship and a traditionalist patriarchal family model. In this context, women are respected in their role in maintaining the faith and its values, the sanctity of the family and the raising of children within the community. At the same time, they are regarded as in some way inferior, excluded from the leadership and in need of protection and control by a male member of the family (Levitt & Ware 2006; Pyles 2007; Raday 2012). This dichotomy pervades any discussion on justice for women of faith.

In conclusion, we can say that the concept of structural spiritual abuse should be given more attention by the DVA literature and also by those who are working with women of faith. Sometimes women of faith who have experienced violence may not be supported by their faith-based organisation and may even be compelled to live in abusive relationships with justifications derived from 'black and white' interpretations of the sacred texts. Structural spiritual abuse implicitly violates the integrity and autonomy of women of faith through customary religious laws. There is a growing movement among women of all faiths to challenge the interpretation of religious texts that justify DVA, for example, the use of the concept of *ijtihad* by Muslim feminists to provide solutions to new problems facing the modern era. We hope that this paper will make some small contribution to the efforts of individuals and groups to reach out across faiths to end this abuse.

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